

In re Patent Application of:
ROBERT E. MCCONNELL, SR., et al
Serial No. **10/025,374**
Filing Date: **12/19/2001**

Remarks

Applicant and the undersigned would like to thank the Examiner for his efforts in the examination of this application. Reconsideration is respectfully requested.

Claims 1-15 were rejected under 35 USC §112, first paragraph, for containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or which it is most nearly connected, to make and/or use the invention. In addition, Claims 1-15 were rejected under 35 USC §102(b) as being anticipated by U.S. Patents 5,278,423 and 5,896,190 to Wangler et al. Claims 1-15 remain in the case.

With regard to the rejection under 35 USC §112, first paragraph, and as illustrated with reference to the Wangler '190 cited reference, one of skill in the art to which the present invention pertains would be familiar with intensity measurement associated with laser range finders, as described in Wangler '190 beginning Col. 13 line 67 to Col 14, Line 6, and in Col. 20, Lines 2-6, by way of example. However, while intensity and its measurement may be well known, the prior art, and in particular, the cited references do not use an intensity measurement as does the present invention, illustrated with reference to the specification, Page 8, Lines 4-6 and FIG. 4, by way of example, for controlling an application of selected treatment materials to a selected area of a target vegetation. Should the Examiner feel additional support for such a position be better served through a Declaration of Affidavit from one skilled in the art, Applicants would be pleased to provide such additional support.

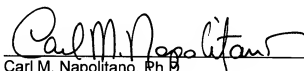
With regard to the rejection under 35 USC §102(b), a prior art reference anticipates a claim if the reference expressly or inherently discloses all the elements and limitations of the claim. Respectfully, if even one element or limitation of the claim is missing, a §102 rejection fails. By way of example, independent claim 1 calls for

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measuring range and intensity of reflected beams from the vegetation for a plurality of locations sufficient for determining multiple parameters for the vegetation including a center of the vegetation, vegetation height, vegetation width, and vegetation foliage volume. Claims 2-15 depend directly or indirectly to independent claim 1, and as a result add yet further limitations that distinguish the claims over the prior art. Therefore, the Applicants respectfully request a retraction of the §102 rejection.

Therefore, Applicants respectfully submit this application in a condition for allowance, and passage to issue is respectfully solicited. The Applicant and the undersigned would like to again thank the Examiner for his efforts in the examination of this application and for reconsideration of the claims in light of the arguments presented. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 15th day of July, 2004.


Edward Bradley